UNITED
NATIONS

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Economic and Social
Council

Distr.
LIMITED

E/CN.4/1998/L.54
9 April 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Austria, Canada, Denmark, France, Germany, Greece*, Portugal*, Russian Federation, Slovakia*, Spain* and United States of America: draft resolution

1998/... Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994 and 1996/31 of 19 April 1996,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1998/32) submitted pursuant to its resolution 1996/31,

Recognizing that forensic science is an important tool in detecting evidence of torture and other cruel, inhuman or degrading treatment or punishment,

Noting that the practice of forensic science includes examinations of both dead and living persons, and also includes identification procedures,

Noting also that in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances as emphasized in the reports of the Working Group on Enforced or Involuntary Disappearances and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts and experts in related fields to assist them in carrying out their human rights mandates,

1. Requests the Office of the High Commissioner for Human Rights to consult with Governments, relevant United Nations bodies and professional organizations of forensic and related experts as mentioned in the reports of the Secretary-General, of which the latest is contained in document E/CN.4/1998/32 of 5 January 1998, with a view to updating the list of experts with their biographical data, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged), indications of availability, and the kind of assistance they could provide;

2. Also requests the Office of the High Commissioner to encourage the forensic and other experts to abide by the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989;

3. Invites the Office of the High Commissioner and the Crime Prevention and Criminal Justice Division of the Secretariat to consider revising the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions in which standard procedures for adequate post-mortem examinations (autopsies or partial autopsies) are described;

4. Also invites the Office of the High Commissioner to consider the possibility that forensic experts coordinate and produce additional manuals concerned with examinations of living persons for the following two areas of forensic medicine:

(a) Clinical forensic examinations, conducted in a gender-sensitive manner, to document injuries which may be caused by torture and other cruel, inhuman or degrading treatment, including an assessment of any physical and

psychological symptoms, of detained persons; war prisoners; women who may have been exposed to rape and sexual violence; civilians in areas where human rights may have been violated; refugees from areas in which evidence is available regarding use or suspicion of use of torture and other cruel, inhuman or degrading treatment; detainees in psychiatric institutions and children in youth institutions in regions where there is a suspicion that their rights have been violated or that they have been subjected to torture or other cruel, inhuman or degrading treatment;

(b) Examinations to identify children of persons who have disappeared or children who have been subjected to enforced disappearance;

5. Recommends that the Office of the High Commissioner encourage, as appropriate, the dissemination and use of the manuals referred to in the present resolution and the setting up of courses aimed at providing training in forensic activities relating to victims of human rights violations, particularly in countries without sufficient expertise in forensic science and related fields, for example through the training of local teams;

6. Also recommends that the Office of the High Commissioner establish procedures to evaluate the use of forensic expertise and the results of those efforts;

7. Requests the Office of the High Commissioner to report to the Commission at its fifty-sixth session on progress made in this matter, including:

(a) The availability of a comprehensive and up-to-date list of forensic experts;

(b) A revised standardized service agreement regulating the use of the forensic experts, including provisions for the protection of the experts who so serve;

8. Requests the Secretary-General to provide appropriate resources, from within existing overall United Nation resources, to fund the activities of the Office of the High Commissioner in implementing the present resolution;

9. Decides to consider the question at its fifty-sixth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".